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In re Application of
Minzhen Xu et al
Serial No.: 10/054,387 : SUSPENSION OF ACTION
Filed: January 22, 2002
Attorney Docket No.: REH-2011

This is in response to the petition under 37 CFR 1.103, filed January 18, 2005, to suspend prosecution of the above identified application for six months.

Applicants seek suspension of the prosecution on this application for a period of six months because of a applicants' intention to file a reissue application to correct an error identified in the instant application.

BACKGROUND

This application was filed January 22, 2002, and has been examined. Applicants have responded to the Office action mailed June 17, 2004.

DISCUSSION

37 CFR 1.103. Suspension of action.

(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in 1.17(I). Action will not be suspended when a reply by applicant to an Office action is required.

M.P.E.P. 709 relates to suspension of action in an application. 37 CFR 1.103 permits the Office to suspend action upon petition by applicants for **good and sufficient cause** (emphasis added). Applicants state that they intend to file a reissue application on the patented parent of the instant application to correct an error pointed out during prosecution of this application. Applicants are concerned that the issue being prosecuted in two parallel proceedings may result in inconsistent determinations.

The intent to file a reissue application is not considered a good or sufficient reason for suspension of prosecution since there is no guarantee that a reissue application will be filed.

Further, each application must stand on its own merits and correction of errors relates only to the application in which the error occurs. It is entirely possible that similar errors occur in related pending or issued applications and that correction thereof is similar. Correction of an error discovered in a patent is also governed by different rules than correction of errors in an application and even when addressed by the same examiner may have different results.

DECISION

The petition to suspend action is DENIED. Applicants have not presented a "A good and sufficient cause" warranting suspension of action by the examiner.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the general Office facsimile number 571-273-8300.

Jasemine C. Chambers
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Director, Technology Center 1600